

MEMORANDUM

TO: Members, Public Disclosure Commission

FROM: Philip E. Stutzman
Director of Compliance

DATE: September 14, 2001

SUBJECT: Status of Compliance Cases

Enclosed is an update of all compliance activity since my last memo to you dated August 17, 2001. If you would like additional information, please let me know.

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Investigations Completed

Cases Scheduled For Hearing:

Metropolitan Mortgage & Securities Co., Inc. (formerly Talbott, John for Strong Mayor, et. al) – Case #01-181; Investigator: Lori Anderson

Date Received: January 10, 2001

Date Started: January 10, 2001

Section of Law: RCW 42.17.080, .090, .105, and .175

Status: Investigation Complete

Summary: A complaint was filed by the Executive Director of the Public Disclosure alleging that the John Talbott for Strong Mayor Committee, Metropolitan Mortgage & Securities Company, Inc. (Metropolitan Mortgage), Citizens for Fair and Open Government (CFOG), Spokane Municipal Election Council (SMEC), and Spokane Voter Alliance (SVA) may have violated RCW 42.17. during 2000. The complaint alleged that Metropolitan Mortgage, CFOG, SMEC, and SVA may be affiliated and share a contribution limit under RCW 42.17.660, WAC 390-16-310(6) and WAC 390-16-309(3)(d) and may have exceeded the contribution limitations set forth in RCW 42.17.105(8) by contributing in excess of \$5,000 to the John Talbott for Strong Mayor Committee within 21 days of the 2000 general election. It was also alleged that there might have been violations of RCW 42.17.080, .090, and .175. An enforcement hearing before the full Commission has been scheduled for September 27, 2001.

Disposition: Pending

Tacoma School District No. 10 - Case #01-199 Investigator: Lori Anderson

Date Received: March 23, 2001

Date Started: March 26, 2001

Section of Law: RCW 42.17.680

Status: Investigation Complete

Summary: A complaint was received from Jami Lund of the Evergreen Freedom Foundation alleging that Tacoma School District No. 10 failed to maintain open

for public inspection, during business hours, copies of written authorizations for payroll deductions for contributions to political committees or for use as political contributions. The complaint also alleged that the district failed to provide documents and books of account showing the amounts and dates funds were actually withheld, and the amounts and dates funds were transferred to a political committee. An enforcement hearing before the full Commission has been scheduled for September 27, 2001.

Disposition: Pending

Seattle School District No. 1—Case #01-200 Investigator: Lori Anderson

Date Received: March 23, 2001

Date Started: March 26, 2001

Section of Law: RCW 42.17.680

Status: Investigation Complete

Summary: A complaint was received from Jami Lund of the Evergreen Freedom Foundation alleging that Seattle School District No. 1 failed to maintain open for public inspection, during business hours, copies of written authorizations for payroll deductions for contributions to political committees or for use as political contributions. The complaint also alleged that the district failed to provide documents and books of account showing the amounts and dates funds were actually withheld, and the amounts and dates funds were transferred to a political committee. An enforcement hearing before the full Commission has been scheduled for September 27, 2001.

Disposition: Pending

Protect Our Pets and Wildlife--Case #01-134; Investigator: Suemary Trobaugh

Date Received: October 20, 2000

Date Started: October 25, 2000

Section of Law: RCW 42.17.080, .090 and .510

Status: Investigation Complete

Summary: A complaint was received from Ed Owens, Chair of Citizens for Responsible Wildlife Management, alleging that Protect Our Pets failed to report in kind contributions from a flyer mailing and a postcard mailing. The postcard mailing allegedly did not contain proper sponsor identification. Mr. Owens also alleged that Protect Our Pets failed to report expenditures for political ads placed with local television stations (King-5, KIRO, and KOMO in Seattle). In addition, Mr. Owens alleged that these ads did not contain proper sponsor identification. An enforcement hearing will be scheduled for October of 2001.

Disposition: Pending

Cases Closed

The following cases were closed as a result of enforcement hearings: (Respondents may appeal the results of enforcement hearings.)

Amalgamated Transit Union Local 587—Case #01-219; Investigator: Kurt Young

Date Received: May 9, 2001

Date Started: May 9, 2001

Section of Law: RCW 42.17.040, .080, .090, & .730

Status: Investigation Complete

Summary: A complaint was filed by the Executive Director of the Public Disclosure Commission alleging that Amalgamated Transit Union Local 587 (ATU Local 587) failed to register and report as a political committee when it solicited and received special assessment funds from its members to oppose Initiative 745. It was also alleged that ATU Local 587 might have acted as an intermediary by receiving the special assessment from its members and transmitting those funds to political committees opposed to Initiative 745.

Disposition: An enforcement hearing was held July 24, 2001. The Commission accepted a Stipulation of Facts, Violations and Penalty and ordered that the Respondent committed multiple unintentional violations of RCW 42.17.040 – RCW 42.17.090 by soliciting and accepting contributions from its members with the expectation of making expenditures opposing a ballot measure without registering and reporting as a political committee. In accepting the Stipulation of Facts, Violations and Penalty, the Commission assessed a total civil penalty of \$10,000 with \$7,500 suspended on the following conditions: (1) No further violations of RCW 42.17 or WAC 390 for four years; (2) Develop a protocol for communicating with the employer (King County) regarding future assessments; (3) Design and conduct training on the provisions of RCW 42.17 for all Union officers and staff engaged in implementing special assessments; (4) Send a letter to each person who had funds withheld in the special assessment, providing an opportunity for obtaining a rebate.

Bethel School District No. 403 - Case #01-201 Investigator: Lori Anderson

Date Received: March 30, 2001

Date Started: April 2, 2001

Section of Law: RCW 42.17.680

Status: Investigation Complete

Summary: A complaint was received from Jami Lund of the Evergreen Freedom Foundation alleging that Bethel School District No. 403 failed to maintain open for public inspection, during business hours, copies of written authorizations for payroll deductions for contributions to political committees or for use as political contributions. The complaint also alleged that the district failed to provide documents and books of account showing the amounts and dates funds were actually withheld, and the amounts and dates funds were transferred to a political committee.

Disposition: An enforcement hearing was held before the full Commission on August 28, 2001. The Commission found that the Respondent violated RCW 42.17.680(4) by failing to maintain open for public inspection, during business hours, employees' payroll deduction authorization forms for contributions to a political committee. The Commission assessed a \$1,000 penalty with \$500 suspended on the condition the Respondent commits no further violations of RCW 42.17 for a period of four years from the date of the order.

Clover Park School District No. 400 - Case #01-202; Investigator: Lori Anderson

Date Received: March 30, 2001

Date Started: April 2, 2001

Section of Law: RCW 42.17.680

Status: Investigation Complete

Summary: A complaint was received from Jami Lund of the Evergreen Freedom Foundation alleging that Clover Park School District No. 400 failed to maintain open for public inspection copies of written authorizations for payroll deductions for contributions to political committees or for use as political contributions. The complaint also alleged that the district failed to provide documents and books of account showing the amounts and dates funds were actually withheld, and the amounts and dates funds were transferred to a political committee.

Disposition: An enforcement hearing was held before the full Commission on August 28, 2001. The Commission found that the Respondent violated RCW 42.17.680(4) by failing to maintain open for public inspection, during business hours, employees' payroll deduction authorization forms for contributions to a political committee. The Commission assessed a \$1,000 penalty with \$500 suspended on the condition the Respondent commits no further violations of RCW 42.17 for a period of four years from the date of the order.

The following cases were dismissed with the concurrence of the Chair:

Pioneer School District (Dick Sirokman)--Case #99-079; Investigator: Kurt Young

Date Received: April 19, 1999

Date Started: April 23, 1999

Section of Law: RCW 42.17.130

Status: Investigation Complete

Summary: A complaint was received from John E. Diehl, alleging that officials of Pioneer School District (Dick Sirokman, School Superintendent) used, or authorized the use of, school district facilities to promote a school ballot proposition. The complaint alleged that flyers (fact sheets) distributed by the school district were intended, by their timing and content, to promote an April 27, 1999 ballot proposition.

Disposition: Dismissed with the concurrence of the Chair. We found that the flyer produced and distributed by the Pioneer School District prior to the 1999 bond election was not an objective and fair presentation of the facts. PDC staff reviewed bond and levy information produced by officials of Pioneer School District for the February 29, 2000, special election and found the District's publication to be a balanced and objective presentation of the facts. Superintendent Sirokman was informed that PDC staff is available to review fact sheets produced by the District in connection with a ballot proposition prior to distribution by the District. The District has demonstrated an awareness of its responsibility to present balanced and objective information as shown by the February 29, 2000 publication. Superintendent Sirokman was cautioned to insure that future publications related to a ballot proposition are an objective and fair presentation of the facts.

Citizens Committee for Arlington Schools -- #00-882; Investigator: Lori Anderson

Date Received: March 20, 2000

Date Started: March 27, 2000

Section of Law: RCW 42.17.530

Status: Investigation Complete

Summary: A complaint was received from Frank A. Cencak, Barbara J. Cencak, and Charles L. Funk alleging that Citizens for Arlington Schools included their names in newspaper advertisements as endorsing the Arlington School District levy and two bond issues without authorization.

Disposition: Dismissed by the Executive Director for lack of jurisdiction. RCW 42.17.530 only addresses a false claim of support of endorsement regarding a candidate. The statute is not applicable in a ballot proposition election.

Wood, Alex (State Representative) – Case #00-953

Spokane Valley Firefighters PAC – Case #00-914

Date Received: May 5, 2000

Date Started: May 5, 2000

Section of Law: RCW 42.17.640

Status: Investigation Complete

Summary: A complaint was received from Jami Lund of the Evergreen Freedom Foundation, alleging that the Washington State Council of Firefighters (WSCFF), IAFF Local 29, and Spokane Valley Firefighters PAC shared a single contribution limit of \$575 per election during the 1998 general election cycle, and that these entities exceeded their shared contribution limit by making contributions in excess of \$575 per election to Representative Alex Wood. It was also alleged that Representative Wood accepted over-limit contributions from these entities during his 1998 general election campaign.

Disposition: Dismissed with the concurrence of the Chair. Staff found that the Wood campaign did not receive 1998 primary election contributions from the WSCFF or its local units that exceeded contribution limits. We found that the Wood campaign received 1998 general election contributions from the WSCFF and its local units that exceeded contribution limits by \$575. The Wood campaign promptly refunded \$575 to the Spokane Valley Firefighters PAC on November 7, 1998. Representative Wood and the Spokane Valley Firefighters PAC were cautioned to comply with applicable contribution limits in future election campaigns.

Reardon, Aaron (State Representative) – Case #00-951

Date Received: May 5, 2000

Date Started: May 5, 2000

Section of Law: RCW 42.17.640

Status: Investigation Complete

Summary: A complaint was received from Jami Lund of the Evergreen Freedom Foundation, alleging that the Washington Teamsters Legislative League and Teamsters Local 38 shared a single contribution limit of \$575 for the 1998 election cycle for State Representative Aaron Reardon. It was also alleged that Representative Reardon accepted over-limit contributions from these entities during his 1998 general election campaign.

Disposition: Dismissed with the concurrence of the Chair. We found that the Reardon campaign received 1998 general election contributions from the Washington Teamsters Legislative League and Teamsters Local 38 that exceeded contribution limits by \$500. The Reardon campaign refunded \$500 to Teamsters Local 38 on August 9, 2001 after being notified by the PDC of the excess contribution. Representative Reardon was cautioned to comply with applicable contribution limits in future election campaigns. The matter of the Washington Teamsters Legislative League and Teamsters Local 38 making a combined over-limit contribution to Representative Reardon will be handled separately for those entities.

Edwards, Jeanne (State Representative) – Case #00-944

Washington State Machinists' Council – Case #00-921

Aerospace Machinists' Local 751 – Case #00-922

Date Received: May 5, 2000

Date Started: May 5, 2000

Section of Law: RCW 42.17.640

Status: Investigation Complete

Summary: A complaint was received from Jami Lund of the Evergreen Freedom Foundation, alleging that State Representative Jeanne Edwards accepted over-limit campaign contributions from the Machinists' Council and Aerospace Machinists' Local 751, and that the Machinists' Council and Local 751 made over-limit contributions during the 1998 election cycle, alleged violations of RCW 42.17.640.

Disposition: Dismissed with the concurrence of the Chair. We found that the Edwards campaign did not receive contributions in excess of contributions limits. In addition, neither the Washington State Machinists' Council nor the Aerospace Machinists' Local 751 made contributions in excess of the limits of RCW 42.17.640.

Kastama, James (State Senator) – Case #00-946

Washington State Labor Council of the AFL-CIO – Case #00-890

Pierce County Central Labor Council – Case #00-891

King County Committee on Political Education – Case #00-892

Date Received: May 5, 2000

Date Started: May 5, 2000

Section of Law: RCW 42.17.640

Status: Investigation Complete

Summary: A complaint was received from Jami Lund of the Evergreen Freedom Foundation, alleging that State Senator James Kastama accepted over-limit campaign contributions from the Washington State Labor Council, the Pierce County Central Labor Council and the King County Committee on Political Education, and that these entities made over-limit contributions during the 1998 election cycle, alleged violations of RCW 42.17.640.

Disposition: Dismissed with the concurrence of the Chair. We found that no over-limit contributions were made or received during the 1998 primary election of then-Representative (now Senator) James Kastama. We found that the aggregate 1998 general election contributions to the Kastama campaign from these entities exceeded contribution limits by \$144. The Kastama campaign refunded \$144 to the Washington State Labor Council on May 26, 2000. Senator Kastama and the Washington State Labor Council and its local units were cautioned to comply with applicable contribution limits in future election campaigns.

Cooper, J. Michael (State Representative) – Case #00-942

Washington State Council of Firefighters – Case #00-893

IAFF Local 31 – Case #00-903

IAFF Local 2878 – Case #00-913

IAFF Local 1760 – Case #00-915

Spokane Valley Firefighters PAC – Case #00-914

Date Received: May 5, 2000

Date Started: May 5, 2000

Section of Law: RCW 42.17.640

Status: Investigation Complete

Summary: A complaint was received from Jami Lund of the Evergreen Freedom Foundation, alleging that State Representative J. Michael Cooper accepted over-limit campaign contributions from the Washington State Council of Firefighters, IAFF Local 31, IAFF Local 2878, IAFF Local 1760 and the Spokane Valley Firefighters PAC, and that these entities made over-limit contributions during the 1998 election cycle, alleged violations of RCW 42.17.640.

Disposition: Dismissed with the concurrence of the Chair as the complaint relates to the 1998 campaign of J. Michael Cooper. We found no evidence that the Washington State Council of Firefighters participated in the primary election campaign of Representative Cooper as detailed in WAC 390-16-311, thus preserving the individual limits of IAFF Local 31, IAFF Local 2878, IAFF Local 1760, and the Spokane Valley Firefighters PAC. The Cooper campaign did not receive over-limit 1998 primary election contributions from these entities. In the

general election, the Washington State Council of Firefighters contributed \$575 to the Cooper campaign. None of its local units made contributions. Thus, over-limit contributions were not made or received during the 1998 general election.

Keiser, Karen (State Representative) – Case #00-947

Date Received: May 5, 2000

Date Started: May 5, 2000

Section of Law: RCW 42.17.640

Status: Investigation Complete

Summary: A complaint was received from Jami Lund of the Evergreen Freedom Foundation, alleging that the Washington State Council of Firefighters and IAFF Local 31 shared a single contribution limit of \$575 for the 1998 election cycle for contributions made to State Representative Karen Keiser. The complainant also alleged that Representative Keiser accepted an over-limit contribution from IAFF Local 31.

Disposition: Dismissed with the concurrence of the Chair. We found that the Keiser campaign accepted 1998 general election contributions from the Washington State Council of Firefighters and IAFF Local 31 that exceeded contribution limits by \$200. The Keiser campaign refunded \$200 to IAFF Local 31 on June 14, 2000. Representative Keiser was cautioned to comply with applicable contribution limits in future election campaigns. The matter of the Washington State Council of Firefighters and IAFF Local 31 making a combined over-limit contribution to Representative Keiser will be handled separately for those entities.

Long, Jeanine (State Senator) – Case #00-948

Date Received: May 5, 2000

Date Started: May 5, 2000

Section of Law: RCW 42.17.640

Status: Investigation Complete

Summary: A complaint was received from Jami Lund of the Evergreen Freedom Foundation, alleging that Washington State Council of Firefighters and IAFF Local 1760 shared a single contribution limit of \$575 for the 1998 election cycle for contributions made to State Senator Long. The complainant also alleged that Senator Long accepted an over-limit contribution from IAFF Local 1760.

Disposition: Dismissed with the concurrence of the Chair. We found that neither the Washington State Council of Firefighters nor its local units made over-limit 1998 primary election contributions to the Long campaign. We found that the Long campaign accepted 1998 general election contributions from the

Washington State Council of Firefighters and IAFF Local 1760 that exceeded contribution limits by \$100. The Long campaign refunded \$100 to IAFF Local 1760 on July 31, 2000. The Long campaign was cautioned to comply with applicable contribution limits in future election campaigns. The matter of the Washington State Council of Firefighters and IAFF Local 1760 making a combined over-limit contribution to Senator Long will be handled separately for those entities.

Forner, Elmira—Case #01-011; Investigator: Suemary Trobaugh

Date Received: September 18, 2000

Date Started: September 18, 2000

Section of Law: RCW 42.17.125

Status: Investigation Complete

Summary: A complaint was received from Barbara Brinton alleging that Elmira Forner, a candidate for State Representative in the 12th Legislative District, used campaign funds for personal use when she 1) used campaign funds to purchase a membership in the chamber of commerce; 2) made a campaign contribution to Slade Gorton's campaign; and 3) paid for a newspaper subscription.

Disposition: Dismissed with the concurrence of the Chair. We found that the Elmira Forner Campaign purchased a membership with the Wenatchee Chamber of Commerce and paid for a subscription to The Wenatchee World using campaign funds; however, Ms. Forner demonstrated that those expenditures were campaign related. Ms. Forner reimbursed her campaign on September 6, 2000 for a personal contribution made with campaign fund to the campaign of Slade Gorton for United States Senate. Ms. Forner was cautioned to comply with applicable provisions of the public disclosure law in future election campaigns.

Citizens for Fire District 16 EMS Levy Committee - Case #01-012;

Investigator: Suemary Trobaugh

Date Received: September 12, 2000

Date Started: September 18, 2000

Section of Law: RCW 42.17.530

Status: Investigation Complete

Summary: A complaint was received from LaVaun Emmalee Tatro, alleging that the Citizens for Fire District 16 EMS Levy Committee falsely listed her name in a political advertisement as a supporter of an EMS ballot proposition.

Disposition: Dismissed with the concurrence of the Chair. We found that an individual's name was partially listed as a supporter in a newspaper advertisement promoting passage of the Fire District 16 EMS Levy. The advertisement appeared

in an edition of the Key Peninsula News and one of the individuals in the advertisement had not given permission for her name to be used in the ad. The Citizens for Fire District 16 EMS Levy Committee created the endorsement list from various sources, such as a visitor's sign-up sheet at community events. Many individuals were involved in compiling the list, and it was admitted that some errors were made including the use of an individual's name in an endorsement ad without obtaining permission, which was not discovered by the Citizens for Fire District 16 EMS Levy Committee. The alleged violation cited in the complaint did not warrant further enforcement action. The Citizens for Fire District 16 EMS Levy Committee was cautioned to comply with applicable political advertising rules in future levy campaigns.

Griggs, Bryan--Case #01-135; Investigator: Suemary Trobaugh

Date Received: October 19, 2000

Date Started: October 31, 2000

Section of Law: RCW 42.17.080 and .090

Status: Investigation Complete

Summary: A complaint was received from Kirby Ralston, of Advertising & Supply, alleging that Bryan Griggs, a candidate for State Representative in the 41st Legislative District, did not properly report an order placed to Advertising & Supply of \$853.88 for yard signs and roll labels on Schedule B of PDC form C-4.

Disposition: Dismissed with the concurrence of the Chair. We found that Mr. Griggs reported the campaign debt for the purchase of yard signs and stickers on a Schedule L to PDC form C-4 as a personal loan to the campaign. The invoices provided in the complaint were dated August 16, 2000, and indicated the total due for the yard signs and roll stickers was \$853.88. The Schedule L to C-4 report (postmarked September 4, 2000) indicated that three candidate personal loans, for \$4,604.61, \$750, and \$300 respectively, were owed to Bryan Griggs as of August 29, 2000, although no description was noted for the purpose of the loans. While the Public Disclosure Commission does not condone the failure to provide a purpose or description for loans on reports filed with the PDC, the alleged violation cited in the complaint did not warrant further enforcement action.

Washington State Labor Council--Case #01-146--Investigator: Suemary Trobaugh

Date received: November 2, 2000

Date Started: November 6, 2000

Section of law: RCW 42.17.530

Status: Investigation Complete

Summary: A complaint was received from then Representative Don Carlson alleging that The Washington State Labor Council had published erroneous information in a campaign brochure. The complainant alleged that the brochure transposed names and offices, transposed Legislative Districts and misrepresented his position on collective bargaining.

Disposition: Dismissed with the concurrence of the Chair.

Lehning, Bill--Case #01-137; Investigator: Kurt Young

Date Received: October 30, 2000

Date Started: November 3, 2000

Section of law: RCW 42.17.130

Status: Investigation Complete

Summary: A complaint was received from Doris Cornett alleging that Bill Lehning improperly submitted for and received reimbursement for expenses from Cowlitz County for activities related to his campaign. The complaint alleged that Mr. Lehning was paid for mileage and expenses to attend two candidate forums in Yale and Woodland, Washington.

Disposition: Dismissed by the Executive Director of the PDC after the complainant failed to re-submit the complaint once notified that the complaint needed to be signed by the complainant under oath.

City of Yakima (not given investigative case number) Staff: Kurt Young

Date Received: August 17, 2001

Date Started: August 17, 2001

Summary: A complaint was received from Sandra Swanson alleging that the City of Yakima produced and distributed a "promotional" Primary Election Fact Sheet regarding a sports complex ballot measure that is on the 2001 Primary ballot.

Disposition: Dismissed with the concurrence of the Chair. It was found after reviewing the publication that there was no reason to believe a material violation of Chapter 42.17 RCW had occurred.

Roach, Pam (State Senator) (not given investigative case number) Staff: Suemary Trobaugh

Date Received: August 23, 2001

Date Started: August 23, 2001

Section of Law: RCW 42.17.125

Summary: A complaint was received from Jim Kainber of the Washington State Democratic Central Committee alleging violations of RCW 42.17 by Senator Pam Roach, a candidate for King County Council, Leslie Donovan, owner of Our

Jewel Publishing and her husband, Stan Shore, a political consultant for Pam Roach. It was alleged that consulting fees paid by the Pam Roach Campaign in July, 2001 to Stan Shore's political consulting business, Polis Political Services, were then used to pay the filing fee of an opposing candidate for King County Council, Michael Jepson.

Disposition: Dismissed with the concurrence of the Chair. It was found that Michael Jepson received a \$1,000 contribution from Our Jewel Publishing, a company owned by Leslie Donovan, on July 27, 2001. It was also found that the Pam Roach for County Council Campaign reported an outstanding debt of \$2,000 to Stan Shore's political consulting business, Polis Political Services. The C-4 report filed August 6, 2001, by the Pam Roach Campaign indicated that this debt was still outstanding and that no new expenditures had been made to Stan Shore or Polis Political Services by the campaign. Thus, no campaign funds were used by the Pam Roach Campaign to either pay Mr. Jepson's filing fee or to provide the funds to Our Jewel Publishing to make a political contribution. On August 10, 2001, King County Records and Elections removed Michael Jepson from the ballot as a candidate for King County Council, position 13 due to an invalid nomination process by the Green Party. Mr. Jepson notified the PDC on August 10, 2001 that he was no longer a candidate. After a review of the alleged violations and relevant facts, no reason was found to believe a material violation of chapter 42.17 RCW had occurred

Philip Morris, U.S.A. (not given investigative case number) Staff: Kurt Young

Date Received: September 4, 2001

Date Started: September 4, 2001

Section of Law: RCW 42.17.100

Summary: A complaint was received from Dan Newman of Initiative 773-Healthcare for Washington's Working Families, alleging that Philip Morris, U.S.A. failed to report activities undertaken in opposition to Initiative 773, a statewide ballot proposition. It was alleged that those activities included the preparation of the statement of opposition to I-773 to be included in the voters' pamphlet.

Disposition: Dismissed with the concurrence of the Chair. It was found that a Committee Registration Statement (PDC Form C-1pc) was filed by the No on I-773 Coalition on September 7, 2001, as well as a Summary, Full Report Receipts and Expenditures (PDC Form C-4). The C-4 report included an attached Schedule B disclosing \$11,702 for in-kind contributions from Philip Morris Management Corporation and Philip Morris U.S.A. for staff time and consulting services. Thus, there was no requirement for Philip Morris U.S.A. to file an

Independent Expenditure Report (PDC Form C-6). After a review of the alleged violations and relevant facts, no reason was found to believe a material violation of chapter 42.17 RCW had occurred.

Cases Referred To Attorney General For Further Action

Cooney, Sadie Charlene--Case #99-053; Investigator: Charlie Schreck

Date Received: October 22, 1998

Date Started: October 23, 1998

Section of Law: RCW 42.17.130 and .680

Status: Investigation Complete

Summary: A complaint was received from Lynda Rouse, alleging that Sadie Charlene Cooney has used public facilities for campaign activities. The complainant alleged that for several years Ms. Cooney has directed employees to work on political campaigns using resources of the County Assessor's office. The complainant also alleged that Ms. Cooney has created a hostile work environment, and has discriminated against employees in violation of RCW 42.17.680. An enforcement hearing was held December 12, 2000.

Disposition: The Commission accepted a Stipulation of Facts and Violations and found actual violations of RCW 42.17.130 and 42.17.750. The parties agreed for the purposes of determining whether the Commission would refer the matter to the Attorney General's Office that the written information and documentary evidence before the Commission as of December 12, 2000 could serve as the basis for the Commission finding that the Respondent committed apparent violations of RCW 42.17.130 and 42.17.680(2) for the matters in the Notice of Administrative Charges that had not been stipulated to by the parties. The parties also agreed that the facts and violations stipulated to are evidence of agreed-to actual violations of RCW 42.17.130 and RCW 42.17.750, and that those stipulated matters are also appropriate for referral to the Attorney General's Office. It was agreed that if the Attorney General's Office declines to file a complaint in Superior Court based upon the apparent and actual violations referenced in the referral or does not enter into a settlement for all the apparent and actual violations referenced in the referral, the case is to be returned to the Public Disclosure Commission for hearing under 42.17 RCW and Commission regulations. Based on the above information, the Commission referred the matter to the Attorney General's Office. The Commission found that a referral was appropriate because: (1) The maximum penalty that the Commission could impose statutorily was insufficient in light of the number of actual and apparent violations, and (2) The complexity of the issues and facts presented merits consideration by the Attorney General's Office and a

superior court. The Commission also found that if no action is taken by the Attorney General's Office as described in the Order of Referral, the matter is to be returned to the Commission for hearing.

Concerned Citizens for Better Government (CCBG) and Joseph Coomer, Treasurer, CCBG--#00-241; Investigator: Kurt Young

Date Received: October 21, 1999

Date Started: October 25, 1999

Section of Law: RCW 42.17.080 and .090

Status: Investigation Complete

Summary: A complaint was received from Meg Van Wyk, alleging that Concerned Citizens for Better Government (CCBG) and Joseph Coomer, Treasurer, CCBG, distributed political advertising without properly reporting or filing the required campaign disclosure reports. An enforcement hearing was held February 27, 2001.

Disposition: The Commission found that the Respondent committed multiple apparent violations and referred the matter to the Attorney General's Office.

Washington Education Association—Case #01-002; Investigator: Lori Anderson

Date Received: August 15, 2000

Date Started: August 18, 2000

Section of Law: RCW 42.17.760

Status: Investigation Complete

Summary: A complaint was received from the Evergreen Freedom Foundation and public school employees alleging that the Washington Education Association (WEA) and Washington School Districts are in violation of RCW 42.17.680 and 42.17.760. The complaint alleges that Washington School Districts are in violation of RCW 42.17.680 by withholding dues and fees from employees' wages that are used by the WEA and the National Education Association (NEA) for contributions to political campaigns. The complaint also alleges that the WEA is violating RCW 42.17.760 by using agency shop fees for political contributions and expenditures without the affirmative authorization of non-members. The complaint was forwarded to the PDC by the Attorney General's Office following its receipt of the complaint from EFF. The complaint was filed with the Attorney General's Office and all County Prosecuting Attorneys requesting that an action be commenced in the courts to address the apparent violations of RCW 42.17. The complaint said that if an action were not commenced in court the complainant would seek appropriate legal and equitable relief pursuant to RCW 42.17. RCW

42.17.400(4) provides a 45-day time period before a complainant may take steps to initiate a citizen's action in superior court.

Disposition: The Commission accepted a Stipulation of Facts, Violations and Recommendations, found that the Respondent committed an apparent violation of RCW 42.17.760, stipulated to as actual violations, and referred the matter to the Attorney General's Office.

King County, King County Department of Transportation, King County Transit and Amalgamated Transit Union Local 587 (ATU Local 587)—Case #01-203

Investigator: Nick Hawkinson

Date Received: March 28, 2001

Date Started: April 3, 2001

Section of Law: RCW 42.17.680

Status: Investigation Complete

Summary: A complaint was received from Monte Benham of Permanent Offense alleging that King County, King County Department of Transportation, King County Transit, and Amalgamated Transit Union Local 587 had violated RCW 42.17.680 by withholding a special assessment from the paychecks of King County employees to fight Initiative 745 without first obtaining the required written authorizations.

Disposition: An enforcement hearing was held on May 22, 2001. The Commission accepted the parties' Stipulation of Facts. The Commission found that there are apparent multiple violations by the King County entities of RCW 42.17, in particular RCW 42.17.680 as implemented by WAC 390-17-100, but that the maximum penalty that can be assessed by the Commission is inadequate in light of the allegations and the stipulated evidence presented to the Commission at the hearing. Therefore, the Commission referred the case to the Washington State Attorney General's Office. The Commission also found that Amalgamated Transit Union Local 587 did not violate RCW 42.17.680 as alleged because the union is not the employer in this case and is not responsible for the disbursement of funds in payment of wages or salaries to King County workers.

King County, King County Department of Transportation, King County Transit and Amalgamated Transit Union Local 587 (ATU Local 587)—Case #01-204

Investigator: Nick Hawkinson

Date Received: March 29, 2001

Date Started: April 5, 2001

Section of Law: RCW 42.17.680

Status: Investigation Complete

Summary: A complaint was received from David Cornelson alleging that King County, King County Department of Transportation, King County Transit, and Amalgamated Transit Union Local 587 had violated RCW 42.17.680 by withholding a special assessment from the paychecks of King County employees to fight Initiative 745 without first obtaining the required written authorizations.

Disposition: An enforcement hearing was held May 22, 2001. The Commission accepted the parties' Stipulation of Facts. The Commission found that there are apparent multiple violations by the King County entities of RCW 42.17, in particular RCW 42.17.680 as implemented by WAC 390-17-100, but that the maximum penalty that can be assessed by the Commission is inadequate in light of the allegations and the stipulated evidence presented to the Commission at the hearing. Therefore, the Commission referred the case to the Washington State Attorney General's Office. The Commission also found that Amalgamated Transit Union Local 587 did not violate RCW 42.17.680 as alleged because the union is not the employer in this case and is not responsible for the disbursement of funds in payment of wages or salaries to King County workers.

Part II

Active Investigations

Investigations In Progress

Highline School District - Case #01-034; Investigator: Kurt Young

Date Received: July 11, 2000

Date Started: September 29, 2000

Section of Law: RCW 42.17.130

Status: Under Investigation

Summary: Complaints were received from Paul Willoughby and Joseph Coomer, alleging that officials of the Highline School District have used public facilities to support a ballot proposition, by sending out a promotional survey and by hiring a consultant to support passage of the ballot measure.

Disposition: Pending

Benton, Don--Case #01-132; Investigator: Suemary Trobaugh

Date Received: October 9, 2000

Date Started: October 17, 2000

Section of Law: RCW 42.17.640

Status: Under Investigation

Summary: A complaint was received from Daniel M. Ogden, Chair of the Clark County Democratic Central Committee and Carrie Parks, Chair of the 17th District Legislative Democratic Committee, alleging a violation of RCW 42.17.640 and WAC 39-05-400 by Don Benton, a State Senator candidate seeking re-election in the 17th Legislative District. The complaint alleges that Senator Benton received three campaign donations totaling \$1,750 from Rowley Enterprises, Inc. The complaint also alleges that Senator Benton received three campaign donations totaling \$1400 from Koerick Sterling Communities, LLC. These contributions are alleged to be in excess of campaign limits.

Disposition: Pending

Wimsett, Kevin--Case #01-145; Investigator: Suemary Trobaugh

Date Received: October 30, 2000

Date Started: November 2, 2000

Section of Law: RCW 42.17.080 and .090

Status: Under Investigation

Summary: A complaint was received from Deanne Weber alleging that Kevin Wimsett failed to timely file C3 and C4 reports during his 2000 campaign.

Disposition: Pending

Northshore School District--Case #01-166 Investigator: Lori Anderson

Date Received: November 8, 2000

Date Started: November 14, 2000

Section of law: RCW 42.17.130

Status: Under Investigation

Summary: A complaint was received from Sandra Elliot alleging that the Northshore School District used public facilities to promote a political campaign. Ms. Elliot alleged that Inglemoor High School allowed Maria Cantwell and U.S. Senator Tom Daschle to address a student assembly. She further alleged that the presentation by Cantwell and Daschle was in support of the Cantwell candidacy, and that this occurred with the knowledge of the School District.

Disposition: Pending

CHS Engineers, Inc.--Case #01-167 Investigator: Suemary Trobaugh

Date Received: November 27, 2000

Date Started: December 1, 2000

Section of law: RCW 42.17.120

Status: Under Investigation

Summary: A complaint was received from Michael J. West, a commissioner in the Val Vue Sewer District in South Seattle. Mr. West alleged that CHS Engineers, Inc. has made campaign contributions to candidates for Sewer District Commissioner, in various sewer districts, in a manner that conceals the true source of the contributions, in violation of RCW 42.17.120.

Disposition: Pending

Evergreen School District – Case #01-182; Investigator: Lori Anderson

Date Received: January 10, 2001

Date Started: January 19, 2001

Section of Law: RCW 42.17.130

Status: Under Investigation

Summary: A complaint was received from Senator Don Benton, 17th Legislative Dist., alleging that the Directors of the Evergreen School District used public facilities to dispute statements made in political advertisements circulated by Benton during his 2000 re-election campaign.

Disposition: Pending

King County Fire District 40 – Case #01-186; Investigator: Kurt Young

Date Received: February 5, 2001

Date Started: February 9, 2001

Section of Law: RCW 42.17.130

Status: Under Investigation

Summary: A complaint was received from Howard Meinzer alleging that officials of King County Fire District 40 used public facilities to support a fire district ballot proposition, in violation of RCW 42.17.130. The complaint alleged that the District Newsletter, Fireline, misrepresented benefit service charge information in a way that supported passage of the District's ballot proposition.

Disposition: Pending

Concerned Citizens Action Committee – Case #01-187; Investigator: Suemary Trobaugh

Date Received: February 9, 2001

Date Started: February 16, 2001

Section of Law: RCW 42.17.040, .080, and .090

Status: Under Investigation

Summary: A complaint was received from Rodney Livengood, Superintendent of Kittitas County Hospital District #2, alleging that Concerned Citizens Action

Committee, a group opposed to a February 6, 2001 Hospital District ballot proposition, has not registered or reported its activities to the PDC.
Disposition: Pending

International Association of Fire Fighters—Case #01-188; Investigator: Kurt Young

Date Received: February 12, 2001

Date Started: March 2, 2001

Section of Law: RCW 42.17.640 and .660

Status: Under Investigation

Summary: A complaint was received from Bob Edelman alleging that the State Council of the International Association of Fire Fighters (IAFF) and certain of its affiliated local units violated the candidate contribution limits of RCW 42.17.640 for the 2000 election cycle. He also alleged that the candidates that accepted the over-limit contributions violated RCW 42.17.640, 42.17.660, and WAC 390-16-308(5).

Disposition: Pending

Kingston Area Citizens Network--Case #01-197; Investigator: Suemary Trobaugh

Date Received: March 12, 2001

Date Started: March 13, 2001

Section of Law: RCW 42.17.040, .080, and .090

Status: Under Investigation

Summary: A complaint was received from Nick Jewett alleging that the Kingston Area Citizens Network placed political advertising in the North Kitsap Herald newspaper opposing a school bond issue without first registering and reporting as a political committee.

Disposition: Pending

Yakima County Fire District #12 (West Valley Fire Department)-- Case #01-198; Investigator: Suemary Trobaugh

Date Received: March 12, 2001

Date Started: March 16, 2001

Section of Law: RCW 42.17.130

Status: Under Investigation

Summary: A complaint was received from Gary and Carolyn Belles alleging that officials of Yakima County Fire District 12 (West Valley Fire District) have used

public facilities of the fire district to support an incorporation effort by citizens of West Valley.

Disposition: Pending

Amalgamated Transit Union Local 757—Case #01-220; Investigator: Kurt Young

Date Received: May 14, 2001

Date Started: May 29, 2001

Section of Law: RCW 42.17.180

Status: Under Investigation

Summary: A complaint was received from Jami Lund of the Evergreen Freedom Foundation alleging that Amalgamated Transit Union Local 757 failed to file PDC form C-7 disclosing contributions made to a statewide initiative committee and state office candidates during the 2000 election cycle.

Disposition: Pending

Amalgamated Transit Union Local 758—Case #01-221; Investigator: Kurt Young

Date Received: May 14, 2001

Date Started: May 29, 2001

Section of Law: RCW 42.17.180

Status: Under Investigation

Summary: A complaint was received from Jami Lund of the Evergreen Freedom Foundation alleging that Amalgamated Transit Union Local 758 failed to file PDC form C-7 disclosing contributions made to a statewide initiative committee and state office candidates during the 2000 election cycle.

Disposition: Pending

Amalgamated Transit Union Local 843—Case #01-222; Investigator: Kurt Young

Date Received: May 14, 2001

Date Started: May 29, 2001

Section of Law: RCW 42.17.180

Status: Under Investigation

Summary: A complaint was received from Jami Lund of the Evergreen Freedom Foundation alleging that Amalgamated Transit Union Local 843 failed to file PDC form C-7 disclosing contributions made to a statewide initiative committee and state office candidates during the 2000 election cycle.

Disposition: Pending

Amalgamated Transit Union Local 1384—Case #01-223; Investigator: Kurt Young

Date Received: May 14, 2001

Date Started: May 29, 2001

Section of Law: RCW 42.17.180

Status: Under Investigation

Summary: A complaint was received from Jami Lund of the Evergreen Freedom Foundation alleging that Amalgamated Transit Union Local 1384 failed to file PDC form C-7 disclosing contributions made to a statewide initiative committee and state office candidates during the 2000 election cycle.

Disposition: Pending

Amalgamated Transit Union Local 1576—Case #01-224; Investigator: Kurt Young

Date Received: May 14, 2001

Date Started: May 29, 2001

Section of Law: RCW 42.17.180

Status: Under Investigation

Summary: A complaint was received from Jami Lund of the Evergreen Freedom Foundation alleging that Amalgamated Transit Union Local 1576 failed to file PDC form C-7 disclosing contributions made to a statewide initiative committee and state office candidates during the 2000 election cycle.

Disposition: Pending

**Iron Workers District Council of the Pacific Northwest—Case #01-225;
Investigator: Kurt Young**

Date Received: May 14, 2001

Date Started: May 29, 2001

Section of Law: RCW 42.17.180

Status: Under Investigation

Summary: A complaint was received from Jami Lund of the Evergreen Freedom Foundation alleging that Iron Workers District Council of the Pacific Northwest failed to file PDC form C-7 disclosing contributions made to a statewide initiative committee and state office candidates during the 2000 election cycle.

Disposition: Pending

**Washington State Building & Construction Trades Council—Case #01-226;
Investigator: Kurt Young**

Date Received: May 14, 2001

Date Started: May 29, 2001

Section of Law: RCW 42.17.180

Status: Under Investigation

Summary: A complaint was received from Jami Lund of the Evergreen Freedom Foundation alleging that Washington State Building & Construction Trades Council failed to file PDC form C-7 disclosing contributions made to a statewide initiative committee and state office candidates during the 2000 election cycle.

Disposition: Pending

United Transportation Union—Case #01-227; Investigator: Kurt Young

Date Received: May 14, 2001

Date Started: May 29, 2001

Section of Law: RCW 42.17.180

Status: Under Investigation

Summary: A complaint was received from Jami Lund of the Evergreen Freedom Foundation alleging that United Transportation Union failed to disclose contributions made to state office candidates or to a statewide initiative committee during the 2000 election cycle on PDC form L-3 as required for a lobbyist employer.

Disposition: Pending

Washington Federation of Teachers—Case #01-228; Investigator: Kurt Young

Date Received: May 14, 2001

Date Started: May 29, 2001

Section of Law: RCW 42.17.180

Status: Under Investigation

Summary: A complaint was received from Jami Lund of the Evergreen Freedom Foundation alleging that Washington Federation of Teachers failed to disclose contributions made to state office candidates or to a statewide initiative committee during the 2000 election cycle on PDC form L-3 as required for a lobbyist employer.

Disposition: Pending

Wolfe, Cathy—Case #01-229; Investigator: Kurt Young

Date Received: May 16, 2001

Date Started: May 29, 2001

Section of Law: RCW 42.17.710

Status: Under Investigation

Summary: A complaint was received from Robert Edelman alleging that

Representative Cathy Wolfe received a campaign contribution during the 2001 legislative session freeze period.
Disposition: Pending

Cases Under Review

Stevens Hospital Medical Staff--Case #98-017; Investigator: Phil Stutzman

Date Received: September 8, 1997

Date Started: September 23, 1997

Section of Law: RCW 42.17.040, .065, .080, .090, and .750

Status: Under Review

Summary: A complaint was received from a member of the Stevens Hospital Medical Staff, expressing concern about mandatory donations to the medical staff association. The complaint said the association spends a significant portion of its funds on ballot propositions affecting the Stevens Hospital District. At issue is whether the Stevens Hospital Medical Staff is a political committee, required to register and report with the Public Disclosure Commission.

Disposition: Pending

Roach, Dan - Case #01-032; Investigator: Kurt Young

Date Received: September 18, 2000

Date Started: September 27, 2000

Section of Law: RCW 42.17.080, .090

Status: Under Review

Summary: A complaint was received from Yvonne Kinoshita Ward, alleging that Dan Roach, a candidate for State Representative in the 31st Legislative District, has not timely filed reports of contributions received (PDC Form C-3).

Disposition: Pending

Simpson, Geoff--Case #01-133: Investigator - Suemary Trobaugh

Date Received: September 19, 2000

Date Started: October 9, 2000

Section of law: RCW 42.17.130

Status: Under Review

Summary: A complaint was received from Senator Don Benton alleging that Mr. Simpson had used publicly owned Kent Fire Department equipment in his campaign advertising. Specifically, Senator Benton alleged that Mr. Simpson's

campaign ads included photos of Simpson and other firefighters, in uniform, using a fire truck and equipment belonging to the Kent Fire Department.

Disposition: Pending

Transit Agencies--Case #01-139--Investigator: Kurt Young

Date Received: October 24, 2000

Date Started: October 31, 2000

Section of Law: RCW 42.17.130

Status: Under Review

Summary: A complaint was received from Paul Telford alleging that sixteen transit and Air Pollution agencies, plus the City of Seattle and King County, have used public facilities to oppose ballot propositions. He specifically alleged that the named agencies were affiliated with the Transportation Choices Coalition (Alt-Trans). He alleged that this affiliation included payment of dues that were then used in opposition to ballot propositions (Referendum 49, Initiative 695 and Initiative 745). He alleged that funds used in these opposition campaigns are public because the funds originated from public agencies.

Disposition: Pending

Guevara, Marta--Case #01-142; Investigator: Suemary Trobaugh

Date Received: October 30, 2000

Date Started: November 1, 2000

Section of Law: RCW 42.17.080 and .090

Status: Under Review

Summary: A complaint was received from Bill Gorman alleging that Ms. Guevara failed to timely file her June and July C3 reports, and that she failed to timely file her August C3 and C4 reports. The complaint also alleged that a campaign flyer from October 25, 2000 failed to contain proper sponsor identification.

Disposition: Pending

Opp, Dena--Case #01-168 Investigator: Suemary Trobaugh

Date Received: December 1, 2000

Date Started: December 6, 2000

Section of law: RCW 42.17.241

Status: Under Review

Summary: A complaint was received from Carol Cherry, alleging that Dena Opp, Mayor of Newport, Washington, has failed to properly list, on her Personal Financial Affairs Statement, the disposition of real property that occurred during

1998, and that she has not disclosed the income received by her spouse, in violation of RCW 42.17.241.

Disposition: Pending

No on Initiative 695 Committee – Case #01-183; Investigator: Suemary Trobaugh

Date Received: January 22, 2001

Date Started: January 24, 2001

Section of Law: RCW 42.17.090

Status: Under Review

Summary: A complaint was received from Jami Lund of the Evergreen Freedom Foundation alleging that the No on Initiative 695 Committee has failed to forfeit funds to the State of Washington it received from the International Brotherhood of Teamsters (IBT) DRIVE Political Fund as required by RCW 42.17.090 and WAC 390-16-055.

Disposition: Pending

White, James – Case #01-184; Investigator: Suemary Trobaugh

Date Received: January 31, 2001

Date Started: February 2, 2001

Section of Law: RCW 42.17.130 and .750

Status: Under Review

Summary: A complaint was received from Martin Plys alleging that Mayor James White of Kent used public facilities to send city employees invitations to his re-election campaign kickoff. He further alleged that Mayor White solicited contributions from city employees by enclosing with the invitation an envelope requesting contributions to support his re-election campaign.

Disposition: Pending

Unions and Candidates – On May 5, 2000, Jami Lund of the Evergreen Freedom Foundation filed 65 complaints against several unions and state office candidates for making or accepting contributions that: (1) were in excess of the limits allowed by RCW 42.17.640; (2) were not reported on PDC form C-7 as required by RCW 42.17.180 and WAC 390-16-071; (3) were not reported on PDC form C-5 as required by RCW 42.17.090; (4) were not forfeited to the state general fund in accordance with RCW 42.17.090 and WAC 390-16-095; (5) were unqualified contributions as set forth in RCW 42.17.640 and WAC 390-16-311; (6) were accepted in excess of the limit allowed as required by RCW 42.17.640 or were not allowed under RCW 42.17.660. The 65 cases were assigned case numbers 00-890 through 00-954. Brief enforcement hearings were held September 25, 2000 for 11

of the 65 cases and on January 22, 2001 for one case. On February 27, 2001, 28 cases were approved for dismissal. A brief enforcement hearing was held for Case #00-935 on May 21, 2001. Fourteen cases were dismissed between August 17 and September 14, 2001. The Status of the remaining 10 cases is "Under Review."

COMPLIAN\SEP01